

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\*\*\*\*\*  
**BANK OF THE WEST,** )  
                        )  
                        Plaintiff )  
                        )  
                        )  
                        v. )  
                        )  
                        )  
**KATHERINE BEESLEY,** )  
                        )  
                        In Personam )  
                        )  
                        )  
                        AND )  
                        )  
                        )  
**M/V DEFIANCE, her engines and** )  
                        )  
                        equipment )  
                        )  
                        In Rem )  
                        )  
                        )  
                        Defendants )  
\*\*\*\*\*

CIVIL ACTION NO.:  
04 cv 10407 RGS

**PLAINTIFF'S REPORT OF PROVIDING NOTICE OF ACTION**

NOW COMES the Plaintiff, Bank of the West, in the above entitled action, by its attorneys, Holbrook & Murphy, and reports to the Court concerning its providing notice of this action pursuant to 46 U.S.C. § 31325 and Supplemental Rule C of the Federal Rules of Civil Procedure.

1. Notice was given to the owner of the vessel (and who was also the person in charge of the vessel) Katherine Beesley, by serving a copy of the summons and complaint on Ms. Beesley, who is also a defendant, on April 8, 2004.

2. Although not required under the statute, notice was also given to Beverly Port Marina, who alleges a lien on the vessel, by telephone and by facsimile dated April 6, 2004, a copy of which is attached hereto.

3. A review of the Abstract of Title, a copy of which is attached hereto, shows no other lienholders (other than the Plaintiff).

**BANK OF THE WEST**

By its attorneys,

*Seth S. Holbrook*

Seth S. Holbrook, BBO # 237850  
HOLBROOK & MURPHY  
150 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
(617) 428-1151

**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2004, a true copy of Plaintiff's Report of Providing Notice of Action was served by mail, postage prepaid, to the following people: Ms. Katherine Beesley, 60 Maverick St., Marblehead, MA 01945, and Mr. Marshall J. Handly, Handly, Cox & Moorman, P.C., 9 Abbott St., Beverly, MA 01915.

*Seth S. Holbrook*

Seth S. Holbrook, BBO# 237850  
Holbrook & Murphy  
150 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
(617) 428-1151

## HOLBROOK & MURPHY

ATTORNEYS AT LAW  
PROCTORS IN ADMIRALTY

150 FEDERAL STREET  
TWELFTH FLOOR  
BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 428-1151

FACSIMILE (617) 443-1696

### FACSIMILE TRANSMITTAL SHEET

**DATE:** April 6, 2004

**TO:** Mr. Marshall Handly

**FACSIMILE:** 978-921-6655

**RE:** Katherine Beesley  
1982 Wellcraft 38ft Scarab/Beverly Port Marina

**FROM:** Seth S. Holbrook

**REMARKS:** We refer to the above and your letter of April 6, 2004.

We expressly disagree with your assertion that the vessel was maintained at our direction in outside storage and the implication that our client is in any way responsible for storage charges and maintenance services to this vessel after October 24, 2003. Ms. Beesley was already storing her vessel at your client's facility.

Please find attached a courtesy copy of the Complaint that was filed in the United States District Court.

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET:

5

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US VIA U.S. MAIL.  
THANK YOU.

DEPARTMENT OF  
TRANSPORTATION  
U. S. COAST GUARD  
CG-132 (Rev. 8-67)

**GENERAL INDEX OR ABSTRACT OF TITLE**

This vessel was built at SARASOTA, FL in 1982 of FRP  
by WELLCRAFT MARINE CORPORATION for DRY LAND MARINA, INC.  
as appears by CG FORM 1261 DATED 4 MAY 83 ON FILE AT CLEVELAND OFFICE

<b>658470</b>	(1) _____
<b>COLLECTOR NUMBER</b>	(2) _____
<b>Date</b>	(3) _____
<b>Collector Name (last, first)</b>	(4) <b>DEPARTMENT</b> _____ _____ <small>Check one box only</small>

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-1332A (REV. 9-82)	GENERAL INDEX OR ABSTRACT OF TITLE CONTINUATION SHEET NO. <u>1</u>				OFFICIAL NO. 658470
INSTRUMENT BS	% CONVEYED 100%	DATE 30 JUN 94	AMOUNT NA	BOOK BOX 5-94	PAGE 130
FILED PORT CLEVELAND, OH	DATE 25 AUG 94	TIME 8:45AM	DATE TERMINATED NA		
GRANTOR JEFFREY KIRSCH					
GRANTEE JON R. PALASKY					
INSTRUMENT BS	% CONVEYED 100	DATE 5/31/00	AMOUNT \$10.00	BOOK 00-90	PAGE 251
FILED PORT NVDC	DATE 7/31/00	TIME 7:20 AM	DATE TERMINATED ---		
GRANTOR Jon R. Palasky					
GRANTEE Coastline Marine Sales, Inc					
INSTRUMENT BS	% CONVEYED 100	DATE 6/1/00	AMOUNT \$10.00	BOOK 00-90	PAGE 252
FILED PORT NVDC	DATE 7/31/00	TIME 7:20 AM	DATE TERMINATED ---		
GRANTOR Coastline Marine Sales, Inc					
***Vessel HIN is: WELA8836MB2C***					
GRANTEE Katherine M. Beesley					
INSTRUMENT PM	% CONVEYED 100	DATE 6/2/00	AMOUNT \$47,491.25	BOOK 00-90	PAGE 253
FILED PORT NVDC	DATE 7/31/00	TIME 7:20 AM	DATE TERMINATED ---		
GRANTOR Katherine M. Beesley					
GRANTEE Bank of the West P O Box 8160, Walnut Creek, CA 94596					
<input type="checkbox"/> ISSUED AS AN ABSTRACT OF TITLE			<input type="checkbox"/> ISSUED FOR CHANGE OF PORT OF RECORD		
DATE:	TIME:				
PORT:	PAGE	OF	DOCUMENTATION OFFICER		
PREVIOUS EDITION MAY BE USED					

DEPARTMENT OF  
HOMELAND SECURITY  
U.S. COAST GUARD  
CG - 1332

**GENERAL INDEX OR ABSTRACT OF TITLE**  
**Continuation Sheet No. 2**

Official No.  
658470

ISSUED AS AN ABSTRACT OF TITLE AS OF

DATE: May 26, 2004

TIME: 08:00 AM

LINDA UPPERCUE

NATIONAL VESSEL DOCUMENTATION CENTER